

BS00431

U.S. Application No. 09/748,905 Examiner Laye, Art Unit 2617
Submission of Amendment with RCE

REMARKS

The Assignee withdraws the appeal in this application and, instead, respectfully requests continued examination and reconsideration based on the above claim amendments and the following remarks. The Assignee respectfully submits that the pending claims distinguish over the cited documents.

Claims 1-20 are pending in this application, claims 21-29 having been previously canceled.

Claims 1-13, 15-17, & 18-19 were rejected under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 6,249,320 to Schneidewend *et al.* in view of U.S. Patent 6,016,141 to Knudson *et al.* Claims 6 and 12 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Schneidewend* in view of *Knudson* and further in view of U.S. Patent 6,604,240 to Ellis *et al.* Claims 14, 17, and 20 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Schneidewend* in view of *Knudson* and further in view of U.S. Patent 5,812,123 to Rowe *et al.*

The Assignee respectfully submits that the pending claims would not have been obvious over the cited documents. As this response explains, the pending claims are not obviated by any combination of *Schneidewend*, *Knudsen*, *Ellis*, or *Rowe*. The Assignee thus respectfully submits that the pending claims distinguish over the cited documents.

Rejection of Claims under 35 U.S.C. § 103 (a)

Claims 1-20 were variously rejected under 35 U.S.C. § 103 (a) as being obvious over various combinations of *Schneidewend*, *Knudsen*, *Ellis*, or *Rowe*. Because any proposed combination of *Schneidewend*, *Knudsen*, *Ellis*, or *Rowe* fails to teach or suggest all the limitations of the independent claims, the *prima facie* cases of obviousness must fail.

BS00431

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Claims 1-20, however, are not obvious. These claims recite, or incorporate, features that are not taught or suggested by *Schneidewend*, *Knudsen*, *Ellis*, or *Rowe*, whether considered alone or in any combination. Independent claim 1, for example, recites a “*wrapper surrounding all the associated events for each package.*” Support for such features may be found at least at page 9, lines 4-6, page 17, lines 7-9, and FIGS. 4-14 of the as-filed application. Independent claim 1 also recites “*a first mode in which inputs to a navigator scroll from one wrapper to another wrapper*” and “*a second mode in which inputs to the navigator scroll from one event to another event within the same wrapper.*” Support for such features may be found at least at page 19, lines 12-14 and at page 21, lines 11-13 of the as-filed application. Independent claim 1 also recites “*recognizing the non-contiguous events*” and “*in response to the non-contiguous events, prompting to switch from the first mode to the second mode wherein the programming grid is collapsed, thus displaying channels and times associated with the events in a package.*” Support for such features may be found at least at page 20, lines 15-20 of the as-filed application. A “clean” version of independent claim 1 is reproduced below, and independent claims 8, 10, and 15 recite similar features.

1. A method for allowing programming providers to offer subscribers programming events, the method comprising:
 - a. associating events spanning multiple channels over non-contiguous time slots to create packages ; and
 - b. communicating an electronic programming guide, the electronic programming guide having a programming grid simultaneously listing a wrapper associated with each package and each package's associated events, the wrapper surrounding all the associated events for each package. the programming grid also simultaneously listing a start time and a stop time of each event associated with each package;

the electronic programming guide having a first mode in which inputs to a navigator scroll from one wrapper to another wrapper, and

the electronic programming guide having a second mode in which inputs to the navigator scroll from one event to another event within the same wrapper;
 - c. recognizing the non-contiguous events; and

BS00431

U.S. Application No. 09/748,905 Examiner Laye, Art Unit 2617
Submission of Amendment with RCE

- d. in response to the non-contiguous events, prompting to switch from the first mode to the second mode wherein the programming grid is collapsed, thus displaying channels and times associated with the events in a package.

Independent claims 1, 8, 10, and 15 are not obvious. *Schneidewend, Knudsen, Ellis, and Rowe*, whether taken individually or in combination, fail to teach or suggest many of the features recited in independent claims 1, 8, 10, and 15. No where, for example, do any of the proposed combinations teach or suggest “*recognizing the non-contiguous events*” and “*in response to the non-contiguous events, prompting to switch from the first mode to the second mode wherein the programming grid is collapsed, thus displaying channels and times associated with the events in a package.*” None of the cited documents disclose this prompt when non-contiguous events are recognized. Because at least these features are not taught or suggested by any combination of the cited documents, the *prima facie* cases for obviousness must fail.

Independent claims 1, 8, 10, and 15 also recite other distinguishing features. All the independent claims recite a “*wrapper surrounding all the associated events for each package.*” Examiner Laye interprets *Schneidewend* as disclosing a wrapper. Whether or not this interpretation is correct, *Schneidewend*’s interpreted “wrapper” does not “[*surround*] all the associated events for each package.” None of the cited documents, in fact, disclose this “surrounding” wrapper. Because at least these features are not taught or suggested by any combination of the cited documents, the *prima facie* cases for obviousness must fail.

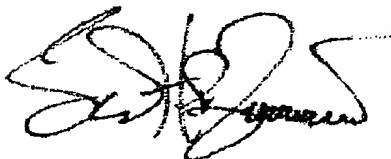
For at least these reasons, independent claims 1, 8, 10, and 15 are considered allowable over the cited documents. Because the dependent claims incorporate the same distinguishing features, the dependent claims are, likewise, considered allowable for at least the same reasons.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 387-6907 or scott@wzpatents.com.

BS00431

U.S. Application No. 09/748,905 Examiner Laye, Art Unit 2617
Submission of Amendment with RCE

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized, overlapping loop structure.

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